

**SUNNYSIDE ORCHARDS 4, BLOCK 14, LOT 13, AP (DAVE MORRISON)
THREE-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick *RJ*

**REVIEWED/
APPROVED BY:** Tristan Riddell *TR*

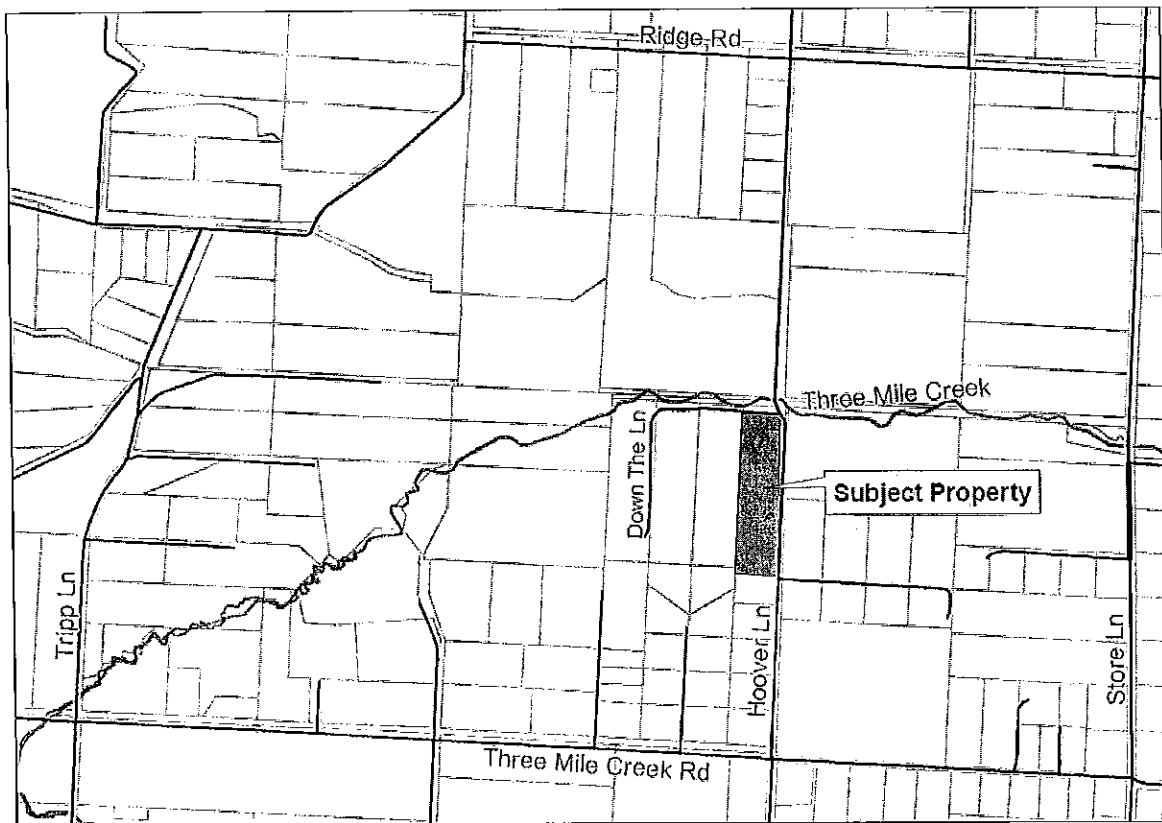
**PUBLIC HEARINGS/
MEETINGS:**

BCC Public Hearing: 9:00 a.m. June 22, 2009
Deadline for BCC action (60 working days): July 1, 2009

APPLICANT/ OWNER: Dave Morrison
4575 Hoover Lane
Stevensville, MT 59870

REPRESENTATIVE: Applebury Survey
914 Highway 93
Victor, MT 59875

LOCATION OF REQUEST: The property is located northeast of Stevensville off Hoover Lane.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

LEGAL DESCRIPTION

OF PROPERTY:

Sunnyside Orchards 4, Block 14, Lot 13, AP, located in the Northwest ¼ of Section 5, T9N, R19W, P.M.M., Ravalli County, Montana.

APPLICATION

INFORMATION:

The subdivision application was deemed sufficient on May 12, 2009. Agencies were notified of the subdivision on August 22, 2008 and June 1, 2009. Comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-11 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated June 1, 2009. No public comments have been received to date.

DEVELOPMENT

PATTERN:

Subject property:	Residential and Agricultural
North:	Agricultural
South:	Residential
East:	Residential and Agricultural
West:	Residential and Agricultural

INTRODUCTION

Sunnyside Orchards 4, Block 14, Lot 13, AP is a proposed minor subdivision on 9.30 acres that will result in three lots that range in size from 2.00 acres to 5.30 acres. As part of the subdivision proposal a floodplain analysis was completed for Three Mile Creek. The applicant is proposing individual wells and a community wastewater treatment facility to serve all lots.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 22, 2009

SUNNYSIDE ORCHARDS 4, BLOCK 14, LOT 13, AP (DAVE MORRISON)
THREE-LOT FIRST MINOR SUBDIVISION

RECOMMENDED MOTION

That the Sunnyside Orchards 4, Block 14, Lot 13, AP First Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

The following conditions have been recommended to mitigate any perceived negative effects that this subdivision will have on the six criteria based on the findings of fact and conclusions of law as discussed within the body of this staff report.

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture*)

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water users have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Hoover Lane frontage of this subdivision, excepting the approved approaches to each new lot. All lots within this subdivision must use the approaches as approved by the Ravalli County Road and Bridge Department. Locations of the no-ingress/egress restrictions can be found on a reduced copy of the final plat. [*The applicant shall provide a reduced copy of the plat showing the no-ingress/egress zones.*] This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of No-Build Zone. Within this subdivision there is a no-build zone, as shown on the final plat. No new structure may be constructed in this area. (*Section 3-2-8(b)(v)(D and F), RCSR, Effects on Natural Environment and Public Health & Safety*)

Notification of Proximity to Three Mile Creek. This subdivision is located in close proximity to Three Mile Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety*)

Flood Hazard Zone for Three Mile Creek. The lowest enclosed floor of each structure (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is greater). A map showing the extent of the 100-year floodplain, including elevations, is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. (Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety)

Recommendation for Flood Insurance. Although not within the FEMA-mapped floodplain, the Floodplain Administrator recommends that property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages. (Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety)

Notification of Very Limited Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as limited for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils in question are included as exhibits to this document [the applicant shall include the reduced plat and exhibits as attachments]. (Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v)(D, E, and F), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact

the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v)(A and E), RCSR, Effects on Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly

attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v)(A and D), RCSR, Effects on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety)

Access Requirements for Lots within this Subdivision. The Ravalli County Fire Council, which includes the Three Mile Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire Department for further information. (Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety)

No-Build Zone. Within this subdivision exists a no-build zone, as shown on the final plat. No new structure may be constructed in this area. (Section 3-2-8(b)(v)(D and F), RCSR, Effects on Natural Environment and Public Health & Safety)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Hoover Lane frontage of this subdivision, excepting the approved approaches to each new lot. All lots within this subdivision must use the approaches as approved by the Ravalli County Road and Bridge Department. Locations of the no-ingress/egress restrictions can be found on a reduced copy of the final plat. This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. (Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health and Safety)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (Effects on all six criteria)

3. The applicant shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)

4. The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the applicant shall provide a letter from the Three Mile Rural Fire District stating that the applicants have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the applicant may provide evidence that a \$500 per newly created lot contribution has been submitted to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The Ravalli County Fire Council, which includes the Three Mile Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
7. The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
8. The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Lone Rock and Stevensville School Districts. The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
9. The applicant shall work with the Lone Rock and Stevensville School Districts to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed along Hoover Lane. The applicant shall provide evidence that they have worked with the School Districts prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School Districts. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v)(C and F), RCSR, Effects on Local Services and Public Health & Safety*)
10. The applicant shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Stevensville Post Office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Stevensville Post Office that a CBU is not required. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
11. The applicant shall provide for an additional 5 feet of public road and utility easement along the Hoover Lane frontage of the subdivision on the final plat. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
12. The final plat shall show a no-ingress/egress zone along the subdivisions frontage with Hoover Lane, except for the approved encroachments for the individual lots. (*Section 3-2-8(b)(v)(C and F), Effects on Local Services and Public Health & Safety*)

13. A 100 foot no-build zone extending horizontally from the modeled 100-year floodplain of Three Mile Creek, as shown on the preliminary plat, shall be shown on the final plat. (*Section 3-2-8(b)(v)(D and F), RCSR, Effects on Natural Environment and Public Health & Safety*)
14. The following statement shall be shown on the COS: "The lowest enclosed floor of each structure (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or two (2) feet above the highest adjacent grade (whichever is greater)." (*Section 3-2-8(b)(v)(F), RCSR, Public Health & Safety*)
15. Prior to final plat approval, the subdivider shall provide a master irrigation plan. The master irrigation plan shall meet all the requirements listed in Section 3-1-5(a)(xxxv) of the RCSR. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
16. The final plat shall show 10-foot wide irrigation easements centered on all irrigation pipelines on the property. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
17. In order to alleviate any impacts of the subdivision relative to the potential loss or disturbance of farmland soil of statewide importance, it is recommended that the subdivider and BCC negotiate an acceptable form of mitigation. Potential mitigative measures may include, but are not limited to: reservation of a no-build zone around ag soils, defining a building envelope on proposed Lot 3, or providing a monetary contribution to an acceptable organization. The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Those items that are not required of this subdivision have been noted by strikethrough.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 - (a) Project name
 - (b) Title block
 - (c) Certificate of registered owner – notarized
 - (d) Certificate of registered land surveyor with seal
 - (e) Certificate of governing body approval
 - (f) Signature block for Clerk and Recorder, preferably in lower right hand corner
 - (g) ~~Certificate of public dedication~~
 - (h) ~~Certificate of park cash-in-lieu payment~~
 - (i) Other certifications as appropriate
 - (j) North arrow
 - (k) Graphic scale
 - (l) Legal description
 - (m) Property boundaries (bearings, lengths, curve data)
 - (n) Pertinent section corners and subdivision corners
 - (o) Names of adjoining subdivisions/certificates of survey

- (p) Monuments found
 - (q) Witness monuments
 - (r) Acreage of subject parcel
 - (s) Curve data (radius, arc length, notation of non-tangent curves)
 - (t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - (u) Lots and blocks designated by number (dimensions/acreage)
 - (v) Easements/rights of ways (location, width, purpose, ownership)
 - (w) ~~Dedication for public use (boundaries, area, purpose)~~
 - (x) No-build/alteration zones
 - (y) No-ingress/egress zones
 - (z) Water resources (rivers, ponds, etc.)
 - (aa) Floodplains
 - (bb) Irrigation canals including diversion point(s), etc.
 - (cc) ~~High-pressure gas lines~~
 - (dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. ~~Any variance decisions shall be submitted with the final plat submittal.~~
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. ~~Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.~~
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. ~~A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.~~
 13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
 14. ~~Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.~~
 15. ~~Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.~~
 16. ~~Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.~~
 17. ~~Road certification(s) shall be submitted with the final plat submittal.~~
 18. Utility availability certification(s) shall be submitted with the final plat submittal.
 19. ~~Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.~~
 20. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.

21. ~~A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.~~
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. ~~Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.~~
24. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. ~~Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.~~
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 - (a) Specific infrastructure improvements potential required for this subdivision are the installation of the irrigation delivery system, installation of a CBU and concrete slab, construction of the bus shelter and turnout.
27. The subdivider shall pay the pro rata share of the cost to improve the portions of Hoover Lane and Three Mile Creek Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along Hoover Lane. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)
2. Hoover Lane, an existing County-maintained road, is situated within a 50-foot public road and utility easement. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)
2. The proposed subdivision application provides for utility easements. (Staff Determination)

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access from Eastside Highway, Three Mile Creek Road, and Hoover Lane. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File, Ravalli County GIS Data)
2. Eastside Highway is a state operated roadway. (MDT)
3. Three Mile Creek Road is listed as a county-maintained road. (RCSR Exhibit A)
4. Hoover Lane is listed as a county-maintained road. (RCSR Exhibit A)

Conclusion of Law

Based on the classifications of the roads providing access to the subdivision, staff has determined that both legal and physical access will be provided to all lots within the subdivision. (Staff Determination)

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements potentially required for this subdivision include the installation of the irrigation delivery system, installation of the CBU and concrete slab, and the construction of a bus shelter and/or bus turnout. (RCSR 3-4-4(a))

Conclusions of Law

1. The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the applicant prior to final plat approval (Final Plat Requirements 1 and 26).
2. The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed. (Staff Determination)

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. The property is located within and has water shares provided by Bitter Root Irrigation District (BRID). (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
2. The subdivider is proposing to reallocate the water shares between the newly created lots. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
3. In a letter dated April 11, 2007, John Crowley, Manager of BRID stated that the BRID Board of Commissioners approved the reallocation of irrigation water for this proposed subdivision. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the applicant is required to:
 - (a) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) reserve and sever all surface water rights from the land.
2. Prior to final plat approval, the subdivider shall provide a master irrigation plan. The master irrigation plan shall meet all the requirements listed in 3-1-5(a)(xxxv) of the RCSR. (Final Plat Requirement 20)
3. With the requirements of final plat approval and the mitigating conditions of approval, this prerequisite has been met. (Staff Determination)

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. Irrigation pipelines traverse the southern and western boundaries of the property (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)
2. The applicant is proposing a 10-foot wide irrigation easement centered on an existing irrigation pipeline, which traverses the western boundary of the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)

Conclusion of Law

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the applicant is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation

- district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
- (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. With the requirement and condition of final plat approval, this prerequisite will be met. (Staff Determination)

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The application was deemed sufficient on May 12, 2009. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Conclusions of Law

1. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-621 to exempt first minor subdivision from the requirement to donate park land under most circumstances. (House Bill 486, 2009 Legislative Session)
3. Although the current Ravalli County Subdivision Regulations require a parkland dedication in this case, since the application was deemed sufficient after the new Bill was signed into Law, Staff has developed an internal policy that the Planning Department will start following each new Law on its effective date. (Exhibit A-1)
4. The application is exempt from making a parkland dedication for this development. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR. (Staff Determination)
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR have been followed. (Staff Determination)

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Ravalli County Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application, Ravalli County Clerk & Recorder's Office)

Conclusion of Law

There are no zoning regulations that apply to the property. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants or deed restrictions on the property. (Ravalli County Clerk & Recorder's Office)

Conclusion of Law

There are no covenants or deed restrictions that apply to this property. (Staff Determination)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - (a) Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - (b) Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - (c) Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - (d) Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - (e) Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at pre-application conferences held on May 2, 2007 and July 14, 2008. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

Conclusions of Law

1. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)
2. With the requirements of final plat approval, the application will meet all of the applicable regulations. (Staff Determination)

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

GENERAL BACKGROUND

Findings of Fact:

1. Sunnyside Orchards 4, Block 14, Lot 13, AP is a proposed minor subdivision on 9.30 acres that will result in three lots that range in size from 2.00 acres to 5.30 acres. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

2. The property is currently owned by David and Terri Morrison. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application, Ravalli County GIS Data)
3. The property is located approximately 7 miles northeast of the Stevensville off Hoover Lane. (Ravalli County GIS Data)

Conclusions of Law:

1. Ravalli County reviews a subdivision proposal for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." (MCA 76-3-608(3), Section 3-2-8(b)(v), RCSR)
2. In subdivision review, Ravalli County "may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through review." (MCA 76-3-608(4))
3. When requiring mitigation, Ravalli County must consult the subdivider and "give due weight and consideration to the expressed preference of the subdivider." (MCA 76-3-608(5)(b))

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The subject parcel is classified for tax purposes as residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. The property is adjacent to agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. The property has been used for agricultural purposes for several years. (Summary of Probable Impacts - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
4. According to the NRCS Web Soil Survey Sweathouse silt loam (0 to 4 percent slopes), a soil classified as farmland of statewide importance, makes up approximately 3% of the property.
5. The soils classified as farmland of statewide importance are located along the northernmost portion of the property and at certain points fall within 100 feet of the modeled 100-year floodplain of Three Mile Creek. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)
 - (a) The Ravalli County Floodplain Administrator recommended that a no-build/alteration zone, stemming horizontally from the model calculated 100-year floodplain be identified and shown on the final subdivision plat. (Exhibit A-2)
 - (b) During a site visit on October 10, 2008, Planning Staff determined that the portions of the property that fall within the recommended 100-foot horizontal setback from the 100-year floodplain of Three Mile Creek do not contain riparian vegetation and have characteristics to suggest that they have been farmed in conjunction with the agricultural operations that have been taking place on the subject property. (Staff Site Visit 10/10/08)
6. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada thistle, field bindweed, spotted knapweed, and hoary allysum was found on the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-8(b)(v)(A), RCSR)
2. The Ravalli County Subdivision Regulations do not include design and development standards or final plat requirements relating to the protection of prime farmland or farmland of statewide importance.
3. Based on recommendations received from the Ravalli County Floodplain Administrator and a subsequent Staff determination based on site specific features, portions of the property

- identified by the NRCS Web Soil Survey as having farmlands of statewide importance will be encumbered by a no-build zone on the face of the final plat as recommended by Condition 13.
4. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
 5. The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)
 6. With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agriculture

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. (Condition 1)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *A 100 foot no-build zone extending horizontally from the modeled 100-year floodplain of Three Mile Creek, as shown on the preliminary plat, shall be shown on the final plat. (Condition 13)*
- *In order to alleviate any impacts of the subdivision relative to the potential loss or disturbance of farmland soil of statewide importance, it is recommended that the subdivider and BCC negotiate an acceptable form of mitigation. Potential mitigative measures may include, but are not limited to: reservation of a no-build zone around ag soils, defining a building envelope on proposed Lot 3, or providing a monetary contribution to an acceptable organization. The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (Condition 17)*

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The property is located within and has water shares provided by BRID. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
2. The subdivider is proposing to reallocate the water shares between the newly created lots. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
3. In a letter dated April 11, 2007, John Crowley, Manager of BRID stated that the BRID Board of Commissioners approved the reallocation of irrigation water for this proposed subdivision. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
4. Irrigation pipelines traverse the southern and western boundaries of the property (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)
5. The applicant is proposing a 10-foot wide irrigation easement centered on an existing irrigation pipeline, which traverses the western boundary of the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))
2. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the applicant is required to:
 - (a) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

- (b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) reserve and sever all surface water rights from the land.
3. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the applicant is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
 4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (MCA 76-3-504(1)(k))
 5. When water rights are to be transferred to one or more lots within a subdivision, an irrigation delivery system must be designed and installed. (RCSR Section 5-6-3)
 6. The subdivider shall install an irrigation system that delivers the correct allotment of irrigation water to each lot. (Final Plat Requirement 26)
 7. With the mitigating conditions of approval, requirements of final plat approval and BRID approval of the proposed reallocation of water shares, impacts of the subdivision on agricultural water user facilities will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agricultural Water User Facilities

- *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
- *The subdivider shall provide a master irrigation plan. The master irrigation plan shall meet all the requirements listed in Section 3-1-5(a)(xxxv) of the RCSR. (Condition 15)*
- *The final plat shall show 10-foot wide irrigation easements centered on all irrigation pipelines on the property. (Condition 16)*

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Three Mile Rural Fire District. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File, Ravalli County GIS Data)
2. Notification letters were sent to the Three Mile Rural Fire District and Stevensville Rural Fire District requesting comments on August 22, 2008 and June 1, 2009, but no comments have been received to date. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
3. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which address access, posting of addresses, and water supply requirements. (Exhibit A-3)

School District

4. The proposed subdivision is located within the Lone Rock School District. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File, Ravalli County GIS Data)

5. It is estimated that 1 school-aged child will be added to the Lone Rock School District, assuming an average of 0.5 children per household. (Census 2000)
6. Notification letters were sent to the Lone Rock and Stevensville School Districts requesting comments on August 22, 2008 and June 1, 2009. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
7. In a letter dated August 26, 2008, the Stevensville School District requested a contribution of \$1,000 per lot to help offset the expense of expanded enrollment. (Exhibit A-4)
8. Senate Bill 116 lays out guidelines and requirements that must be met in order for School Districts to adopt impact fees. The Stevensville School District has not yet conducted an impact fee study. With reference to impact fee studies conducted by the Corvallis and Florence-Carlton School Districts, Kent Kultgen, Stevensville School District Superintendent, estimates that the cost for the School District to provide service to an additional student would be approximately \$7,500 per single family dwelling. (Exhibit A-4, Staff Determination)
9. A letter was received from Stevensville Schools Superintendent Kent Kultgen on August 28, 2008 requesting that the Planning Department ensure a safe pick-up/drop-off zone is provided for school children. (Exhibit A-4)
10. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the budget per pupil would be \$7,853 for the Lone Rock School District (averaging Stevensville High School and Lone Rock Elementary). The tax levy per pupil excluding capital would be \$2,437 for the Lone Rock School District (averaging Stevensville High School and Lone Rock Elementary). (Exhibit A-5)
5. The applicant is proposing to negotiate a voluntary contribution to the School District with the Board of County Commissioners. (Summary of Probable Impacts - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
6. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-6)

Public Safety

7. The Ravalli County Sheriff's Office provides law enforcement services to this area. Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
8. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on August 22, 2008 and June 1, 2009, but no comments have been received to date. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
9. This proposed subdivision is located approximately 26 miles from the Sheriff's dispatch in Hamilton. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application and Ravalli County GIS Data)
10. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 5 people to the County. (Census 2000)
11. Taxes from new residents may not be immediately available to law enforcement services, E-911, Office of Emergency Management (OEM) and Disaster & Emergency Services (DES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
12. The applicant has not proposed any mitigation for Public Safety. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Roads

13. There are three proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 24 vehicular trips per day, assuming eight trips per day per lot. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
14. The subject property gains legal and physical access from Eastside Highway, Three Mile Creek Road, and Hoover Lane. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat, Ravalli County GIS Data)
15. Eastside Highway is a state operated roadway. (MDT)
16. Three Mile Creek Road, a minor collector roadway, is listed as a county-maintained road. (Ravalli County Resolution No. 1724 and RCSR Exhibit A)
17. Hoover Lane, a major local roadway, is listed as a county-maintained road. (Ravalli County Resolution No. 1724 and RCSR Exhibit A)
18. Hoover Lane lies within an existing 50-foot public right-of-way. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)
19. Each lot is proposed to be accessed by an individual driveway. The Ravalli County Road and Bridge Department has issued preliminary approach permits for each of the proposed lots onto Hoover Lane. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
20. The subdivider is required to pay the pro rata share of the cost to improve the portions of Three Mile Creek Road and Hoover Lane leading to the subdivision to meet County standards. The preliminary pro-rata estimate included in the subdivision application projects that the subdivider will be required to contribute approximately \$20,250 in pro-rata funds. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

Ambulance Services

21. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital and was contacted on August 22, 2008 and June 1, 2009 but no comments have been received to date. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Water and Wastewater Districts

22. The applicant is proposing individual wells and a community wastewater treatment facility to serve all lots. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
23. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File and Exhibit A-7)

Solid Waste Services

24. Bitterroot Disposal provides service to this site. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
25. Notification letters were sent to Bitterroot Disposal requesting comments on August 22, 2008 and June 1, 2009, but no comments have been received to date. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Mail Delivery Services

26. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-8).

Utilities

27. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
28. Notification letters were sent to the utility companies requesting comments on August 22, 2008 and June 1, 2009. No comments have been received to date from either utility company. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), Section 3-2-8(b)(v)(C), RCSR)

Fire District

2. Each lot shall be located within a fire district. (Section 5-7-4(a), RCSR)

School District

3. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Final Plat Requirement 24)
4. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))

Roads

5. The RCRBD's Access Encroachment Policy establishes guidelines for the issuance of approach permits. Section III(c) sets the standards associated with new approaches onto local access roadways. The proposal meets the RCRBD adopted policy. (Ravalli County Resolution No. 2287)
6. The minimum right-of-way for a County-standard roadway is 60 feet. (RCSR Section 5-4-4(h)(Table B-1)
7. Where a subdivision is accessed by a substandard County-maintained road(s), the developer shall contribute to the County an amount equal to the pro-rata share of the improvements necessary to bring said road(s) up to County road standards as described in the County's adopted standards over its relevant length as listed in Table A-I. (RCSR Section 5-4-5(d))
8. The applicant shall submit final approved approach permits from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)
9. The subdivider shall pay the pro-rata share of the cost to improve Three Mile Creek Road and Hoover Lane over their relative lengths from Eastside Highway, leading to the subdivision prior to final plat approval. (Final Plat Requirement 27)

Water and Wastewater Districts

10. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
11. The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)

Solid Waste Services

10. The method of solid waste disposal shall be specified during preliminary plat review. (RCSR Section 5-7-2(a))

Mail Delivery Services

11. Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-road area for central mail delivery within the subdivision (RCSR 5-7-3)

Utilities

12. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
13. The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)
14. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- *A notification of the limitation of access shall be included in the notifications document. (Condition 1)*
- *Provisions in the covenants shall require that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
- *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
- *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)*
- *Prior to final plat approval, the applicant shall provide a letter from the Three Mile Rural Fire District stating that the applicant have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the applicant may provide evidence that a \$500-per-new-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 6)*
- *The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*
- *The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Lone Rock School District. The applicant shall ensure that the decided upon mitigation, if any, has been implemented prior to final plat approval. (Condition 8)*
- *The applicant shall work with the Hamilton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed along Hoover Lane. The applicant shall provide evidence that they have worked with the School District prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School District. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. (Condition 9)*
- *To mitigate impacts on local services, the applicant shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Stevensville Post Office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Stevensville Post Office that a CBU is not required. (Condition 10)*

- *The applicant shall provide for an additional 5 feet of public road and utility easement along the Hoover Lane frontage of the subdivision, and shall show such dedication on the face of the final plat. (Condition 11)*
- *The final plat shall show a no-ingress/egress zone, accepting the approved accesses, along the subdivisions frontage with Hoover Lane. (Condition 12)*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. Three Mile Creek runs approximately 100-feet to the north of the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat and Ravalli County GIS Data)
2. A Floodplain Analysis was conducted on Three Mile Creek and was conditionally approved by Ravalli County Floodplain Administrator, Laura Hendrix, on April 20, 2009. To mitigate the effects of this subdivision on the natural environment, the following recommendations were made: (Exhibit A-2).
 - (a) A 100-foot no-build/alteration zone shall extend horizontally from the modeled 100-year floodplain an effort to protect property owners and mitigate future flood losses, a 100-foot setback (no build/alteration zone) should be established extending horizontally from both sides of the modeled/calculated 100-year floodplain for this reach of Three Mile Creek. The no build/alteration zone should be inclusive of both the modeled/calculated floodplain and the creek.
 - (b) Any culverts or bridges constructed across drainages should be adequately sized and maintained to convey floodwaters, avoid the obstruction of debris and ensure safe and dry access for property owners or emergency services.
3. During a site visit on October 10, 2008, Planning Staff determined that the portions of the property that fall within the recommended 100-foot horizontal setback from the 100-year floodplain of Three Mile Creek do not contain riparian vegetation and have characteristics to suggest that they have been farmed in conjunction with the agricultural operations that have been taking place on the subject property. (Staff Site Visit 10/10/08)

Light Pollution

4. The addition of residences in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)

Air Quality

5. This proposed subdivision would add 2 new homes to an area of existing low density development northeast of Stevensville. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat) (Site Visit)
6. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-9)
7. Sources of particulate from this subdivision could include fugitive dust associated with increased vehicular traffic onto Hoover Lane, a gravel road and wood-burning stoves. (Staff Determination)

Vegetation

8. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada thistle, field bindweed, spotted knapweed, and hoary allysum was found on the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
9. According to the Montana Natural Heritage Program no plant species of special concern were identified within the same section as the proposal. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)
10. No wetland vegetation was observed on the property. (Staff Site Visit 10/10/08)

Historical/Archeological Sites

11. There are no known sites of historical significance on the property. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

Conclusion of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(D))

Surface Water Features

2. A floodplain analysis shall be submitted along with the preliminary plat application when any portion of a subdivision is within 1,000 horizontal feet of a stream draining an area of 15 miles or more. (RCSR 3-1-5(a)(xl))
3. Individual wells and septs must be setback a minimum of 100 horizontal feet from floodplain boundaries. (ARM 17.36.918)
4. Although the Floodplain Administrator recommended a 100-foot no-build/alteration zone, Staff believes a no-build zone will be sufficient in this case because of the of the lack of riparian vegetation on the property and the fact that Hoover Lane and Down The Lane separate the property from the calculated floodplain. The inclusion of a no-build zone will still guarantee that no structures will be placed within 100 feet of the floodplain, and ensure that property owners meet the requirements of ARM 17.36.918. (Staff Determination)

Vegetation

5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
6. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)
7. Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval. (Staff Determination)

Recommended Conditions to Mitigate the Effects on the Natural Environment

- *A notification of the proximity to Three Mile Creek shall be included in the notification document. (Condition 1)*
- *A notification of the no-build zone shall be included in the notification document. (Condition 1)*
- *The notifications shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*
- *The notifications shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 1)*

- A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)
- To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)
- A 100-foot no-build zone extending horizontally from the modeled 100-year floodplain of Three Mile Creek shall be shown on the final plat. (Condition 13)

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. The property is not located in mapped elk or mule deer winter range. (Ravalli County GIS Data)
2. In a letter received October 9, 2008, FWP stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-10)
3. FWP stated that wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie could be found on the property. (Exhibit A-11)
4. According to the Montana Natural Heritage Program the Grey Wolf was identified as an animal species of concern that could exist in the same section as the proposal. The applicant requested and received a waiver from the requirement to submit a sensitive species report for the species based on a lack of habitat on the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File and Exhibit A-11)

Conclusion of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Wildlife and Wildlife Habitat

- The notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)
- The covenants shall include a living with wildlife section. (Condition 2)

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Hoover Lane. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat)

Emergency Vehicle Access and Response Time

2. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, Ravalli County Office of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File)

Water and Wastewater

3. The applicant is proposing individual wells and a community wastewater treatment facility to serve all lots. (Subdivision Application Form - Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)

4. The applicants submitted water and sanitation information per MCA 76-3-622.
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision File and Exhibit A-7)

Natural and Man-Made Hazards

6. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
7. The preliminary plat and soils map indicate there are soil types on the property that are considered severe for construction of roads and/or buildings. (Sunnyside Orchards 4, Block 14, Lot 13, AP Subdivision Application)
8. Three Mile Creek runs approximately 100-feet to the north of the property. (Sunnyside Orchards 4, Block 14, Lot 13, AP Preliminary Plat and Ravalli County GIS Data)
9. A Floodplain Analysis was conducted on Three Mile Creek and was conditionally approved by Ravalli County Floodplain Administrator, Laura Hendrix, on April 20, 2009. To mitigate the effects of this subdivision on public health and safety, the following recommendations were made: (Exhibit A-2).
 - (a) The lowest enclosed floor (including crawlspaces and basements) and mechanical utilities of all proposed structures should be located a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is higher).
 - (b) Although the proposed subdivision is not currently located within the designated 100-year floodplain, we recommend the property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages.

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on public health and safety. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(F))

Traffic Safety

2. The requirements listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic safety. (Staff Determination)

Emergency Vehicle Response Time

3. The requirements listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time. (Staff Determination)

Water and Wastewater

4. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)
6. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health & Safety

- *The notifications document shall include a statement regarding radon exposure. (Condition 1)*

- *The notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*
- *The notifications document shall include a provision recommending property owners obtain flood insurance. (Condition 1)*
- *A notification of the Flood Hazard Zone for Three Mile Creek shall be included in the notification document. (Condition 1)*
- *A notification of severe soils shall be included in the notifications document. (Condition 1)*
- *A provision explaining the no-build zone shall be included in the notifications document and protective covenants filed with the final plat. (Conditions 1 & 2)*
- *The final plat shall a 100 foot no-build/alteration zone extending horizontally from the modeled 100-year floodplain of Three Mile Creek. (Condition 13)*
- *The following statement shall be shown on the final plat: "The lowest enclosed floor of each structure (including crawlspaces and basements) and mechanical utilities of all proposed structures should be a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is greater)." (Condition 14)*

Randy Fifrick

From: John Lavey
Sent: Friday, June 12, 2009 3:23 PM
To: Tristan Riddell; Randy Fifrick; Jon Wickersham; Jennifer Degroot; Planning
Subject: RE: 2009 Legislative changes

All,

After discussion with CAO, it is confirmed that legislative changes now incorporated into statute with effective dates already past should be followed by this department as it applies to the particular project you are working on (i.e. subdivision or exemption). We will need to be especially careful to monitor our processing activities as they relate to these recent changes, and Tristan points some of the more important below. It may be helpful to create a 'cheatsheet' of sorts, which we can reference between now and when new sub regs are adopted, and would include all the amendments made this year, along with some notes on how we ought to be applying those changes (i.e., what we need to be communicating to BCC, how our timelines are affected, etc.). Who would like to take this on? Could be helpful as a general reference too, for a memory refresher.

We will continue to work towards clarifying whether our RSID waiver in its current form sufficiently addresses the requirements of SB 310, and whether there may be some retroactive application (I suspect not).

John Lavey
 Ravalli County Planning Department
 215 South 4th Street, Suite F
 Hamilton, MT 59840
 Office: 406.375.6530



Think Green -
 please do not print this email unless necessary

From: Tristan Riddell
Sent: Wednesday, May 27, 2009 1:18 PM
To: John Lavey; Randy Fifrick; Jon Wickersham
Subject: 2009 Legislative changes

All,

Following are the effective dates for 2009 Legislative changes affecting the MSPA:

HB 486 – 5/5/2009

SB 305 – 4/28/2009

SB 310 – 10/1/2009

The question now boils down to whether we're required to begin following the changes immediately or if we can wait till we amend our regulations.

The changes that occurred should be rather simple to implement, and I think it makes practical sense to begin abiding by the new laws starting now (excepting 310).

HB 486 requires the County to issue a PPD within 30 working days of the BCC decision (we'll need to coordinate with BCC Admin Staff to ensure minutes are being approved in a timely fashion). For the time being it makes sense to have an internal policy (which we've kind of already had) to get PPD's out within the newly allotted 30 working day timeframe. I don't see this as being a problem as the last two projects I've worked on, I've received the minutes in a timely fashion.

The other significant change is the inability to require parkland for first minor subdivisions. To prevent potential legal headaches I would suggest that we immediately stop assessing/requiring parkland dedication for first minor

6/12/2009

EXHIBIT A-1

subdivisions.

HB 486 also created an entire section within what is our Chapter 4 outlining the process for aggregations. Based on how our current regs relating to BLRs read, I'm about 99.9999...(repeating of course) percent positive that the current language in our regulations takes care of any potential required changes. To be consistent when we update the regs I guess we might as well add aggregations as their own section, but in my eyes this amendment was just a waste of time.

SB 305 extends the BCC decision period to 80 working days if proposals contain 50 or more lots which is a good thing, but also requires the County to pay \$50 a lot per month to a developer should the County not reach a decision on a major subdivision within the 60 or 80 working day timeframe. This requirement does not apply should the developer request an extension or a suspension of the approval period.

SB 310 restricts the inclusion of RSID/SID waivers, unless "specific" capital improvements are identified and places a 20 year expiration date on them. This brings us to the question as to whether our current language covers this base or not? The current language we use states:

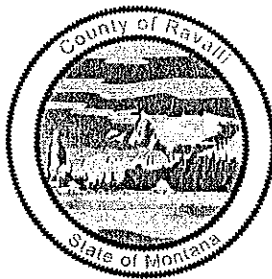
"The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs."

Does this count as "specific"? Just what we needed more non-forceful highly interpretable language within our sub-regs. This will probably become a legal interpretation.

Does the 20 year expiration date have a retroactive effect on those RSID/SID waivers already adopted? I suppose another legal interpretation. Heck, this might not even matter as implementing RSIDs/SIDs hasn't been a top priority or even any type of priority, at least since I've worked here.

To sum it up, unless anyone disagrees, let's get PPD's out within a 30 working day timeline and stop requiring parkland dedications on first minor subdivisions.

Tristan Riddell
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840
phone (406) 375-6530
fax (406) 375-6531
triddell@ravallicounty.mt.gov



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APR 21 2009
IC-09-04-299
Ravalli County Planning Dept.
Doc: 5/12

Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravallicounty.mt.gov

OG-09-04-212

April 20, 2009

Howard Anderson, PE
Specialized Engineering
PO Box 535
Hamilton, MT 59840

RE: Floodplain Analysis – Morrison, SSO #4, Block 14, Lot 13 AP, Three Mile Creek
4575 Hoover Lane, Stevensville, Sec. 5, T10N, R19W
Parcel #1339200, Geocode #1765-05-2-01-01-0000

Dear Mr. Anderson,

We have completed our review of the floodplain analysis according to Section 3-1-5 (a)(xl) of the effective Ravalli County Subdivision Regulations for the above proposed subdivision. In consultation with Larry Schock, Regional Engineer for the Montana Department of Natural Resources and Conservation (DNRC), we concur with his review of the methodology used to calculate the 100-year flood and his suggestion that the method provides a "reasonable" representation of the 100-year floodplain for this reach of Three Mile Creek. To mitigate the impacts to public health and safety, agricultural water user facilities and to minimize the effects of development on the natural environment, we recommend the following conditions:

1. In an effort to protect property owners and mitigate future flood losses, a 100 foot setback (no build/alteration zone) should be established extending horizontally from both sides of the modeled/calculated 100-year floodplain for this reach of Three Mile Creek. The no build/alteration zone should be inclusive of both the modeled/calculated floodplain and the creek.
2. The lowest enclosed floor (including crawlspaces and basements) and mechanical utilities of all proposed structures should be located a minimum of two (2) feet above the modeled/calculated 100-year floodplain elevation or (2) feet above the highest adjacent grade (whichever is higher).
3. Any culverts or bridges constructed across drainages should be adequately sized and maintained to convey floodwaters, avoid the obstruction of debris and ensure safe and dry access for property owners or emergency services.
4. Although the proposed subdivision is not currently located within the designated 100-year floodplain, we recommend the property owners obtain flood insurance since standard homeowner's insurance policies do not cover flood damages.

Consequently, the floodplain analysis for the proposed subdivision is conditionally approved and all recommendations should be appropriately considered.

If you have any questions, please feel free to contact our office.

Exhibit A-2

USE for all
districts.

RECEIVED

SEP 13 2005

Hamilton Rural Fire DISTRICT

Consensus of All Valley Fire
Council.
Ravalli County Planning Dept.
TC-05-09-1707
Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXHIBIT A-3

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Superintendent
Kent Kultgen
Ext. 136



Stevensville Public Schools

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

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AUG 27 2008

IC-08-08-1012
Ravalli County Planning Dept.

Randy Fifrick
Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

August 26, 2008

Dear Mr. Fifrick:

This letter is in reference to your correspondence on the Sunnyside Orchards Minor Subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.
- Until the time that impact fees are implemented we are requesting Mitigation Fees to help offset the expense of expanded enrollment. We understand this is a negotiated fee with the builders and we are asking for \$1,000 per lot.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,

Kent Kultgen
Superintendent
Stevensville Schools

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

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OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernie Jean Edl", is written over a circular stamp. The signature is written in a cursive, flowing style.

Ernie Jean Edl
County Superintendent

EXHIBIT A-6

Name of Subdivision: MORRISON AP 3 LOT SUBDIVISION

Subdivider/Landowner Name(s): DAVID & TERRI MORRISON

Consultant Name: SPECIALIZED ENGINEERING & APPRAISAL SURVEY

Date Received: 6-5-08

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
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(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

Yes	No	N/A	Item	Additional Information/Staff comments
			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
			(a) Vicinity Map or Plan	
X			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
X			(A) flood plains	
X			(B) surface water features	
X			(C) springs	
X			(D) irrigation ditches	
X			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
X			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
X			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
		X	(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
X			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	individual wells
X			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

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JUN 09 2008

1008-010-737
Ravalli County Planning Dept.

			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
X			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
X			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
X			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
X			(i) obtained from well logs or testing of onsite or nearby wells;	
			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
X			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

M. Jensen

BIG SKY DISTRICT
GROWTH MANAGEMENT

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JUN 13 2007

Ravalli County Planning Dept.



10-07-06-729

June 8, 2007

To: County Planning Office

Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-8

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

Randy Fifrick

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2008 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

6/2/2009

EXHIBIT A-9



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
October 9, 2008

Randy Fifrick
Ravalli Co. Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Sunnyside Orchards, Lot 13 (#4, Blk 14; Morrison)--Proposed minor (3 lots on 9.3 acres; NW4 Sec 5, T9N, R19W) subdivision, ENE of Hamilton

Dear Mr. Fifrick:

We have reviewed the preliminary plat for this proposed subdivision, and our comments follow.

This proposed subdivision is located in a rural area, with nearby ravines, agricultural lands and riparian areas associated with Threemile Creek. There is a general possibility of human/wildlife interactions at this location. In particular, wildlife such as white-tailed deer, coyote, fox, skunk and magpie could be found in the area, as well as possible black bear and mountain lion.

Numerous small mammal and bird species could be found nearby, as well as nesting birds. We recommend that "living with wildlife" issues be conveyed to residents in this subdivision as part of the covenants, in order to help them deal with and avoid potential wildlife issues. We have enclosed our recommended covenant version for this location.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

Wildlife covenant section for Sunnyside Orchards, Lot 14 (#4, Blk 14; Morrison) recommended by Montana Fish, Wildlife & Park; Missoula; October 9, 2008

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see FWP’s web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for

game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

- l. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

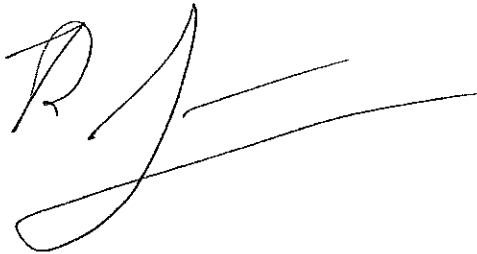
Randy Fifrick

SSO 4 Blk 14 Lot 13, AP SD - Sensitive Species Waiver

It is my recommendation that a sensitive species report be waived for SSO4 Blk 14 Lot 13, AP due to lack of habitat on the property.

Gray Wolf

- Wolves tend to stay further up in the hills and hinterlands of the valley. This subdivision is located in an area with medium density development already. From viewing an aerial photo of the property I see no habitat for the gray wolf.



Agreed

RF

9/26/08